

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.17105 of 2018

Manjula Thaivanayagam

.. Petitioner

Vs

1. The Commissioner of Police,
Coimbatore - 641 008.

2. The Assistant Commissioner of Police,
B-2, R.S.Puram Police Station,
R.S.Puram, Coimbatore - 641 002.

3. The Deputy Commissioner of Police (Crime),
Coimbatore City,
Coimbatore - 641 008.

4. The Assistant Commissioner of Police,
Anti-Land Grabbing Cell,
O/o.Commissioner of Police,
Coimbatore City,
Coimbatore - 641 008.

5. The Inspector of Police,
B-2, R.S.Puram Police Station,
R.S.Puram, Coimbatore - 641 002.

6. C.Vanithamani

7. S.Saikumar

8. Arjun Sampath

.. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the 5th respondent to register the complaint dated 12.06.2018 made by the petitioner to the respondents.

For Petitioner : Mr.Naveen Kumar Murthi

For Respondents : Mr.C.Raghavan [for R1 to R5]
Govt. Advocate
Mr.C.S.Dhanasekaran [for R6]
Mr.R.Vivekananthan [for R7]
Mr.I.Abrar Md.Abdullah [for R8]

O R D E R

This petition has been filed to direct the 5th respondent to register the complaint dated 12.06.2018 made by the petitioner to the respondents.

2.Heard Mr.Naveen Kumar, learned counsel for the petitioner; Mr.Abrar Md.Abdullah, learned counsel for R8; learned Government Advocate appearing for R1 to R5, Mr.Dhanasekaran, learned counsel for R6 and Mr.Vivekananthan, learned counsel for R7.

3.It is the case of the petitioner that the property in dispute belongs to their family and partition suits are pending between the petitioner and R6, R7 and others. While so, it is the grievance of the petitioner that R6, R7 and others have permitted R8 to have his party office in the said property. Therefore, the petitioner gave a complaint dated 12.06.2018 to the Police and thereafter, filed the present petition.

4.When the matter came up for admission on 03.07.2018, it was brought to my notice that the order passed by this Court in W.P.No.9843 of 2018 dated 25.04.2018, is being misconstrued by the Police and that, the Police are permitting the 8th respondent to put up his party office in the said property. In view of this representation, this Court ordered status quo on 03.07.2018.

5.Today, the cloud has been cleared. Inasmuch as, the petitioner is not in possession of the property and that, she is litigating with R6, R7 and others for partition and other reliefs, there is no order of injunction in her favour restraining the 8th respondent from putting up any structure in the property. Hence, the order dated 03.07.2018 stands vacated.

6.As regards the prayer in this petition to direct the 5th respondent to register the petitioner's complaint dated 12.06.2018, in view of the order passed by this Court in the case of Sugesan Transport Pvt. Ltd., Vs The Assistant Commissioner of Police, J2, Adyar Police Station, Adyar, Chennai-600 020 and another [2016 (5) CTC 577 : 2016-2-LW (Cr1.) 499], this petition is not maintainable.

7.Hence, this petition is closed with liberty to the petitioner to work out her remedy in the manner set out in Sugesan's case (supra).

Sd/-

Assistant Registrar(CS V)

//True copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
Coimbatore - 641 008.

2. The Assistant Commissioner of Police,
B-2, R.S.Puram Police Station,
R.S.Puram, Coimbatore - 641 002.

3. The Deputy Commissioner of Police (Crime),
Coimbatore City,
Coimbatore - 641 008.

4. The Assistant Commissioner of Police,
Anti-Land Grabbing Cell,
O/o.Commissioner of Police,
Coimbatore City,
Coimbatore - 641 008.

5. The Inspector of Police,
B-2, R.S.Puram Police Station,
R.S.Puram, Coimbatore - 641 002.

6.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Naveen kumar, Advocate SR.No.48590

+1cc to Mr.C.S.Dhanasekaran, Advocate SR.No.47964

CRL.OP.No.17105 of 2018

EV(CO)
GN(31/07/2018)

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